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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,912	08/22/2003	Kenneth Shanton	57690.010415	1605
38077 7590 01/24/2007 PATRICK W. RASCHE ARMSTRONG TEASDALE LLP ONE METROPOLITAN SQUARE, SUITE 2600 ST. LOUIS, MO 63102-2740			EXAMINER CHAMPAGNE, LUNA	
			ART UNIT 3627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/24/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/646,912	Applicant(s) SHANTON, KENNETH	
	Examiner Luna Champagne	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Garber et al. (US 7,044,373 B1).

2. As per claim 1, Garber et al. teach a system for monitoring inventory in a point of purchase display, comprising: (See *fig. 16*) a portable display stand, having at least one shelf, operably configured to support a package thereon; the display stand further having at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall (See *col. 15, lines 60-65*); at least one package, operably configured to be positioned on the at least one shelf (See *col. 15, lines 38-39*), the at least one package containing a radio frequency identification tag (See *col. 13, lines 28-30*); at least one radio frequency antenna, affixed to at least one of the at least one shelf, the at least one of a bottom wall, a side wall, a back wall, a top wall, a front wall (See *col. 16, lines 19-21*); a radio frequency identification tag reader, operably connected to the radio frequency antenna, for transmitting to and receiving radio frequency signals from the radio frequency identification tag, the radio frequency identification tag reader being operably configured to generate signals representative of the presence and absence of radio frequency identification tags within the display stand (See *col. 11, lines 36-40; col. 12, lines 45-53*), the radio frequency identification tag reader being operably connectable to a remotely

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situated monitoring apparatus, for providing a remote indication of the presence and absence of the at least one package containing a radio frequency identification tag, within the display (*See col. 12, lines 52-57*).

As per claim 2, Garber et al. teach a system, wherein the portable display stand is configured to be readily collapsible and transportable (*See col. 15, lines 38-56*).

As per claim 3, Garber et al. teach a system, wherein the portable display stand is fabricated substantially completely from one of: paper; paperboard; corrugated paperboard; bristol board; foam cored board; plastic (*See col. 16, lines 54-56*).

As per claim 4, Garber et al. teach a system, wherein the portable display stand is at least partially covered with emf absorbing/shielding material (*See col. 8, lines 60-64*).

As per claim 5, Garber et al. teach a system, wherein the at least one radio frequency antenna is affixed to the portable display stand by printing the at least one radio frequency antenna on a surface of the portable display stand with metallic ink (*See col. 16, lines 7-10*).

As per claim 6, Garber et al. teach a system, wherein the at least one radio frequency antenna is embedded within the material from which the portable display stand is fabricated (*See col. 22, lines 9-10*).

As per claim 7, Garber et al. teach a system, wherein the portable display stand is provided with wheels to facilitate movement of the portable display stand (See *col. 15, lines 41-42; col. 16, lines 56-58*).

As per claim 8, Garber et al. teach a system, wherein the portable display stand incorporates a pallet structure (See *fig. 16*).

Conclusion


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berquist et al. (US 7,161,470 B2), Rolin (US 6,825,754,B1), Kahn et al. (US 6,234,394 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Luna Champagne
Examiner
Art Unit 3627

January 17, 2007